

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-01706-ABJ**

CENTER FOR BIOLOGICAL DIVERSITY, INC. v.
DEPARTMENT OF AGRICULTURE et al
Assigned to: Judge Amy Berman Jackson
Case: 1:18-cv-00342-ABJ
Cause: 05:552 Freedom of Information Act

Date Filed: 07/20/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**CENTER FOR BIOLOGICAL
DIVERSITY, INC.**

represented by **Margaret E. Townsend**
CENTER FOR BIOLOGICAL
DIVERSITY
P.O. Box 11374
Portland, OR 97211
(971) 717-6409
Fax: (503) 283-5528
Email: mtownsend@biologicaldiversity.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephanie M. Parent
CENTER FOR BIOLOGICAL
DIVERSITY
225 N. Killingsworth Ave.
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(971) 717-6404
Email: sparent@biologicaldiversity.org
PRO HAC VICE
ATTORNEY TO BE NOTICED

V.

Defendant

**U.S. DEPARTMENT OF
AGRICULTURE**

represented by **John Moustakas**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
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LEAD ATTORNEY
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Melanie Dyani Hendry
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2510
Fax: (202) 252-2599
Email: melanie.hendry2@usdoj.gov
TERMINATED: 08/07/2019

Defendant

**U.S. ENVIRONMENTAL
PROTECTION AGENCY**

represented by **John Moustakas**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Melanie Dyani Hendry
 (See above for address)
 TERMINATED: 08/07/2019

Defendant

U.S. FISH AND WILDLIFE SERVICE

represented by **John Moustakas**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Melanie Dyani Hendry
 (See above for address)
 TERMINATED: 08/07/2019

Date Filed	#	Docket Text
07/20/2018	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 400 receipt number 0090-5598534) filed by CENTER FOR BIOLOGICAL DIVERSITY, INC.. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Corporate Disclosure, # <u>3</u> Notice of Related Case, # <u>4</u> Summons U.S. Attorney General, # <u>5</u> Summons U.S. Attorney, # <u>6</u> Summons U.S. Fish and Wildlife Service, # <u>7</u> Summons U.S. Environmental Protection Agency, # <u>8</u> Summons U.S. Department of Agriculture)(Townsend, Margaret) (Attachment 1 replaced on 7/23/2018) (zmd). (Entered: 07/20/2018)
07/20/2018	<u>2</u>	NOTICE OF RELATED CASE by CENTER FOR BIOLOGICAL DIVERSITY, INC.. Case related to Case No. 18-342. (zmd) (Entered: 07/23/2018)
07/20/2018	<u>3</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by CENTER FOR BIOLOGICAL DIVERSITY, INC.. (zmd) (Entered: 07/23/2018)
07/20/2018		Case Assigned to Judge Amy Berman Jackson. (zmd) (Entered: 07/23/2018)
07/24/2018	<u>4</u>	SUMMONS (5) Issued Electronically as to U.S. DEPARTMENT OF AGRICULTURE, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. FISH AND WILDLIFE SERVICE, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent) (zmd) (Entered: 07/24/2018)
07/26/2018		MINUTE ORDER. The parties must submit a joint status report by August 1, 2018 addressing whether a related case, 18-cv-342, should be consolidated with this case and whether the records requested in this case should be incorporated into the schedule for rolling production that was established in that case. Signed by Judge Amy Berman Jackson on 07/26/2018. (lcabj3) (Entered: 07/26/2018)
07/26/2018	<u>5</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Stephanie M. Parent, :Firm- Center for Biological Diversity, :Address- P.O. Box 11374; Portland, OR 97211-0374. Phone No. - (971) 717-6404. Fax No. - sparent@biologicaldiversity.org Filing fee \$ 100, receipt number 0090-5606867. Fee Status: Fee Paid. by CENTER FOR BIOLOGICAL DIVERSITY, INC. (Attachments: # <u>1</u> Declaration of Stephanie M. Parent, # <u>2</u> Text of Proposed Order)(Townsend, Margaret) (Entered: 07/26/2018)
07/27/2018		MINUTE ORDER granting <u>5</u> Motion for Leave of Stephanie M. Parent to Appear Pro Hac Vice only upon condition that the lawyer admitted, or at least one member of the lawyer's firm, undergo CM/ECF training, obtain a CM/ECF username and password, and agree to file papers electronically. No court papers will be mailed to any lawyer. Signed by Judge Amy Berman Jackson on 7/27/18. (DMK) (Entered: 07/27/2018)
08/01/2018	<u>6</u>	STATUS REPORT by CENTER FOR BIOLOGICAL DIVERSITY, INC.. (Townsend, Margaret) (Entered: 08/01/2018)
08/02/2018		MINUTE ORDER. The parties must submit an updated status report by October 3, 2018. Signed by Judge Amy Berman Jackson on 08/2/2018. (lcabj3) (Entered: 08/02/2018)

08/13/2018	<u>7</u>	ENTERED IN ERROR.....RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 8/3/2018. Answer due for ALL FEDERAL DEFENDANTS by 9/2/2018. (Townsend, Margaret) Modified on 8/14/2018 (znmw). (Entered: 08/13/2018)
08/13/2018	<u>8</u>	ENTERED IN ERROR.....RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 8/1/2018. (Townsend, Margaret) Modified on 8/14/2018 (znmw). (Entered: 08/13/2018)
08/13/2018	<u>9</u>	ENTERED IN ERROR.....RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF AGRICULTURE served on 7/31/2018; U.S. ENVIRONMENTAL PROTECTION AGENCY served on 7/31/2018; U.S. FISH AND WILDLIFE SERVICE served on 7/31/2018 (Townsend, Margaret) Modified on 8/14/2018 (znmw). (Entered: 08/13/2018)
08/14/2018		NOTICE OF CORRECTED DOCKET ENTRY: Docket Entries <u>7</u> Summons Returned Executed in FOIA as to U.S. Attorney, <u>9</u> Summons Returned Executed as to Federal Defendant, and <u>8</u> Summons Returned Executed as to U.S. Attorney General were entered in error (incorrect case number) and counsel is instructed to refile said documents with correct case number. (znmw) (Entered: 08/14/2018)
08/14/2018	<u>10</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 8/3/2018. Answer due for ALL FEDERAL DEFENDANTS by 9/2/2018. (Townsend, Margaret) (Entered: 08/14/2018)
08/14/2018	<u>11</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 8/1/2018. (Townsend, Margaret) (Entered: 08/14/2018)
08/14/2018	<u>12</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to Federal Defendants. Date of Service 07/31/2018 (Townsend, Margaret) (Entered: 08/14/2018)
08/31/2018	<u>13</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint,, by U.S. DEPARTMENT OF AGRICULTURE, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. FISH AND WILDLIFE SERVICE (Hendry, Melanie) (Entered: 08/31/2018)
09/05/2018		MINUTE ORDER granting <u>13</u> defendants' Consent Motion for Extension of Time. Defendants must file an answer to the complaint or other response by September 14, 2018. Signed by Judge Amy Berman Jackson on 09/05/2018. (lcabj3) (Entered: 09/05/2018)
09/14/2018	<u>14</u>	ANSWER to Complaint by U.S. DEPARTMENT OF AGRICULTURE, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. FISH AND WILDLIFE SERVICE.(Hendry, Melanie) (Entered: 09/14/2018)
09/18/2018		MINUTE ORDER. Before the Court in this FOIA case are a complaint and an answer. The requirements of Local Civil Rule 16.3 and Rule 26(f) of the Federal Rules of Civil Procedure appear to be inapplicable. Defendants shall file a dispositive motion or, in the alternative, a report setting forth the schedule for the completion of their production of documents to plaintiff, on or before October 16, 2018. SO ORDERED. Signed by Judge Amy Berman Jackson on 09/18/2018. (lcabj3) (Entered: 09/18/2018)
10/16/2018	<u>15</u>	Consent MOTION for Extension of Time to File <i>Status Report</i> by U.S. DEPARTMENT OF AGRICULTURE, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. FISH AND WILDLIFE SERVICE (Hendry, Melanie) (Entered: 10/16/2018)
10/16/2018		MINUTE ORDER granting <u>15</u> Consent Motion for Extension of Time. Defendants must file a dispositive motion or a status report with a production schedule by October 19, 2018. SO ORDERED. Signed by Judge Amy Berman Jackson on 10/16/2018. (lcabj3) (Entered: 10/16/2018)

10/19/2018	<u>16</u>	STATUS REPORT by U.S. DEPARTMENT OF AGRICULTURE, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. FISH AND WILDLIFE SERVICE. (Hendry, Melanie) (Entered: 10/19/2018)
10/25/2018		MINUTE ORDER. The defendants must file an updated status report by December 30, 2018. SO ORDERED. Signed by Judge Amy Berman Jackson on 10/25/2018. (lcabj3) (Entered: 10/25/2018)
10/26/2018		Set/Reset Deadlines: Defendants must file an updated status report by 12/30/2018. (jth) (Entered: 10/26/2018)
12/26/2018	<u>17</u>	MOTION to Stay <i>in Light of Lapse of Appropriations</i> by U.S. DEPARTMENT OF AGRICULTURE, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. FISH AND WILDLIFE SERVICE (Hendry, Melanie) (Entered: 12/26/2018)
12/26/2018		MINUTE ORDER granting <u>17</u> Motion to Stay. The December 30, 2018 status report deadline is hereby vacated. Defendants must file a status report two business days of the resumption of government operations. SO ORDERED. Signed by Judge Amy Berman Jackson on 12/26/2018. (lcabj3) (Entered: 12/26/2018)
01/30/2019	<u>18</u>	NOTICE of Resumption of Government Operations and Proposed Schedule by U.S. DEPARTMENT OF AGRICULTURE, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. FISH AND WILDLIFE SERVICE (Hendry, Melanie) (Entered: 01/30/2019)
01/30/2019		MINUTE ORDER. In light of the government's notice <u>18</u> , the stay is lifted in this case. Defendants must submit a status report by February 15, 2019 that includes plaintiff's position on the proposed schedule. SO ORDERED. Signed by Judge Amy Berman Jackson on 01/30/2019. (lcabj3) (Entered: 01/30/2019)
02/15/2019	<u>19</u>	STATUS REPORT by U.S. DEPARTMENT OF AGRICULTURE, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. FISH AND WILDLIFE SERVICE. (Hendry, Melanie) (Entered: 02/15/2019)
02/19/2019	<u>20</u>	STATUS REPORT by U.S. DEPARTMENT OF AGRICULTURE, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. FISH AND WILDLIFE SERVICE. (Hendry, Melanie) (Entered: 02/19/2019)
02/20/2019		MINUTE ORDER. Defendants must file a status report by March 15, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 02/20/2019. (lcabj3) (Entered: 02/20/2019)
03/15/2019	<u>21</u>	STATUS REPORT by U.S. DEPARTMENT OF AGRICULTURE, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. FISH AND WILDLIFE SERVICE. (Graham-Oliver, Heather) (Entered: 03/15/2019)
03/19/2019		MINUTE ORDER. Defendants must file an updated status report on or before April 19, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 03/19/2019. (lcabj3) (Entered: 03/19/2019)
04/19/2019	<u>22</u>	STATUS REPORT by U.S. DEPARTMENT OF AGRICULTURE, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. FISH AND WILDLIFE SERVICE. (Hendry, Melanie) (Entered: 04/19/2019)
04/19/2019	<u>23</u>	STATUS REPORT <i>Plaintiff's Status Report</i> by CENTER FOR BIOLOGICAL DIVERSITY, INC.. (Parent, Stephanie) (Entered: 04/19/2019)
04/23/2019		MINUTE ORDER. The parties must file a joint status report by May 23, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 04/23/2019. (lcabj3) (Entered: 04/23/2019)
05/23/2019	<u>24</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF AGRICULTURE, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. FISH AND WILDLIFE SERVICE. (Hendry, Melanie) (Entered: 05/23/2019)
05/28/2019		MINUTE ORDER. The parties must file an updated joint status report by June 25, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 05/28/2019. (lcabj3) (Entered: 05/28/2019)

06/25/2019	<u>25</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF AGRICULTURE, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. FISH AND WILDLIFE SERVICE. (Hendry, Melanie) (Entered: 06/25/2019)
07/01/2019		MINUTE ORDER. The parties must submit another joint status report by July 17, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 07/01/2019. (lcabj3) (Entered: 07/01/2019)
07/02/2019		Set/Reset Deadlines: Joint Status Report due by 7/17/2019. (tg) (Entered: 07/02/2019)
07/17/2019	<u>26</u>	Joint STATUS REPORT by CENTER FOR BIOLOGICAL DIVERSITY, INC.. (Townsend, Margaret) (Entered: 07/17/2019)
07/25/2019		MINUTE ORDER. Defendants must produce their next interim release by August 26, 2019, and the parties must submit a joint status report by that date. SO ORDERED. Signed by Judge Amy Berman Jackson on 07/25/2019. (lcabj3) (Entered: 07/25/2019)
08/07/2019	<u>27</u>	NOTICE OF SUBSTITUTION OF COUNSEL by John Moustakas on behalf of U.S. DEPARTMENT OF AGRICULTURE, U.S. ENVIRONMENTAL PROTECTION AGENCY, U.S. FISH AND WILDLIFE SERVICE Substituting for attorney Melanie Hendry (Moustakas, John) (Entered: 08/07/2019)
08/26/2019	<u>28</u>	Joint STATUS REPORT by CENTER FOR BIOLOGICAL DIVERSITY, INC.. (Parent, Stephanie) (Entered: 08/26/2019)
08/29/2019		MINUTE ORDER. The parties must file an updated joint status report by September 16, 2019. SO ORDERED. Signed by Judge Amy Berman Jackson on 08/29/2019. (lcabj3) (Entered: 08/29/2019)
09/16/2019	<u>29</u>	Joint STATUS REPORT by CENTER FOR BIOLOGICAL DIVERSITY, INC.. (Parent, Stephanie) (Entered: 09/16/2019)
09/19/2019		MINUTE ORDER. The parties must file a joint status report by October 16, 2019, with a proposed briefing schedule. SO ORDERED. Signed by Judge Amy Berman Jackson on 09/19/2019. (lcabj3) (Entered: 09/19/2019)